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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,983	03/06/2002	Dong Zhong	CS01-067	6380
28112	7590	12/23/2004	EXAMINER	
GEORGE O. SAILE & ASSOCIATES			TOLEDO, FERNANDO L	
28 DAVIS AVENUE			ART UNIT	
POUGHKEEPSIE, NY 12603			PAPER NUMBER	
			2823	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/091,983	Applicant(s) ZHONG ET AL.	
	Examiner Fernando L. Toledo	Art Unit 2823	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.


Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 20041001.

10. ☐ Other: _____


George Fourson
 Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because: Applicant states that a post-annealing step in the invention of Kraft is counter-productive because the invention works well without one. Examiner respectfully submits that Kraft teaches advantages of having a post-annealing step in the invention. Kraft never addresses concerns over the thermal budget or why a post-anneal step would be undesirable. Applicant also contests that Kraft does not teach the plasma composition but points that Kraft teaches a plasma incorporating nitrogen-containing substances in column 3, lines 59 - 63. Applicant also contests that the post-annealing step of Kraft does not contain oxygen. Examiner respectfully submits that in the plasma, the nitrogen-containing substances such as N₂O and N₂O₂ will dissociate and hence liberate oxygen into the chamber atmosphere. Although Applicant addresses such possibility, Applicant argues that the oxygen is long gone before any post-anneal step is carried out. Examiner respectfully submits that there is no evidence that the chamber is purged prior to the post-anneal step, Kraft indicates that such step is carried out right after the plasma treatment, therefore, there will be a presence of oxygen in the chamber during the anneal step. Applicant also contests that the annealing step is critical of the ranges. However, nowhere in the specification nor in the previous two Office Action has Applicant addressed the criticality of the temperature and pressure ranges of the anneal step.